

Lexington, Kentucky May 19, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 19, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers Scanlon, Stevens and Stinnett. Absent was Council Member Shafer.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 105-2005 thru 115-2005 inclusive and Resolutions No. 226-2005 thru 245-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky May 19, 2005

The Invocation was given by Pastor Joe Trester, Gethsemane Lutheran Church.

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The following ordinances were given second reading and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the contract with Tetra Tech, Inc., for Viley Neighborhood Stormwater Project, increasing the contract price by the sum of \$25,000.00 from \$223,530.00 to \$248,530.00, and appropriating funds pursuant to Schedule No. 183.

An Ordinance authorizing the Mayor to execute an Engineering Services Agreement with Hargis Engineering, Inc., for Elizabeth Street Drainage Improvements, at a cost not to exceed \$60,000.00 and appropriating funds pursuant to Schedule No. 184.

An Ordinance authorizing the Mayor to execute an Event Contract with The Keeneland Association and Turf Catering Company, for reserving of the Kentucky Room at Keeneland Race Course for the dinner for the Aging in Place Initiative, and appropriating funds pursuant to Schedule No. 179.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$450.00 for the Lexington Commission on Race Relations from the Neighborhood Development Funds for youth tables at the Reconciliation Breakfast, and appropriating and re-appropriating funds, Schedule No. 186.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 182.

An Ordinance amending Section 14-10(f)(10) of the Code of Ordinances to designate firefighters assigned to the Office of the Fire Marshal in the Div. of Fire and Emergency Services as citation officers to enforce subsection (a) of Section 18-112, and Section 18-118 of the Code of Ordinances; amending Section 18-112(a) of the Code of Ordinances to authorize firefighters assigned to the Office of the Fire Marshal in

the Div. of Fire and Emergency Services to cause any unoccupied vehicle parked in a designated fire lane on private property in violation of KRS 227.300 and KRS 227.320, or any unoccupied vehicle parked in violation of Section 18-118 of the Code of Ordinances to be removed and impounded; all effective upon the date of passage.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Assistant Food Services Manager, Grade 111E, and creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 188.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Budget Analyst, Grade 115E, and creating one (1) position of Budget Technician, Grade 112N, in the Div. of Budgeting.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$49,930.00 Federal funds, are for the FY 2005 Emergency Management Assistance Project, the acceptance of which obligates the Urban County Government for the expenditure of \$49,930.00, appropriating funds pursuant to Schedule No. 187, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. for Libraries and Archives, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$43,000.00 Commonwealth of Ky. funds, are for shelving for the Furrow's Building for archiving records, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 189, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

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An Ordinance changing the zone from a Professional Office (P-1) zone to a Mixed Use: Neighborhood Corridor (MU-2) zone for 1.01 net (1.31 gross) acres of property and to a Planned Neighborhood Residential (R-3) zone for 0.19 net (0.24 gross) acre of property located at 499 East High Street, subject to certain use restrictions imposed as a condition of granting the zone change (New Century Builders) was on the docket for second reading with a public hearing to be held.

Upon motion of Mr. DeCamp, seconded by Mr. Wigginton and passed by

unanimous vote, the ordinance was removed from the docket because the New Century Builders, the applicant for the zone change at 499 East High Street, had submitted a letter requesting that the zone change application be withdrawn.

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An Ordinance amending subsection (3)(f) of Section 18C-29 of the Code of Ordinances to provide that the two interested citizen appointees shall be non-voting members of the Emergency Advisory Medical Board that do not count towards a quorum, and deleting subsection (4) of Section 18C-29 relating to removal of board members was given first reading.

Upon motion of Dr. Stevens and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

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An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a High Density Apartment (R-4) zone for 6.09 net (8.34 gross) acres of property, from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone for 0.34 net (0.57 gross) acre of property, from a Light Industrial (I-1) zone to a High Density Apartment (R-4) zone for 0.30 net (0.68 gross) acre of property, and from a High Density Apartment (R-4) zone to a Professional Office (P-1) zone for 0.18 net (0.22 gross) acre of property located at 201 Price Road (Lexington Lofts, LLC) was on the docket for first reading.

Mr. George Logan, 944 Waverly Drive, spoke on behalf of the objectors for the requested zone change and asked for a public hearing.

Upon motion of Mr. Wigginton, seconded by Mr. Brown and passed by majority vote (9-5), a Special Meeting for a Public Hearing was scheduled to be held on June 30, 2005 at 6:00 p.m.

The ordinance was given first reading and ordered placed on file until a Special Meeting for a Public Hearing to be held on June 30, 2005.

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The following ordinances were given first reading and ordered placed on file until June 9, 2005 for public inspection.

An Ordinance changing the zone from a Single Family Residential (R-1E) zone to a Professional Office (P-1) zone for 0.1415 net (0.2820 gross) acre of property located at 378 Park Avenue. (Sam Shaw)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$925.00 for Historic Preservation from the Neighborhood Development Funds for Historic Preservation Week, and appropriating and reappropriating funds, Schedule No. 192.

An Ordinance pursuant to Section 14.04 of the Charter, Lexington-Fayette Urban County Government, establishing a Charter Revision Commission consisting of no fewer than twenty (20) citizens to hold hearings and to make recommendations to the Council with respect to amendments to the Charter.

An Ordinance amending Section 9-20(c)(3) and (d) of the Code of Ordinance to allow small fires to be set by construction and other workers for comfort or heating purposes when the daytime temperatures are below forty degrees Fahrenheit (40°F) if excessive or unusual smoke is not created, the fire is contained in a metal vessel not to exceed a size of a fifty-five (55) gallon drum and the fire is not left unattended for more than 15 minutes and providing that no permit shall be required for such fires.

An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Arborist Technician, Grade 112N, in the Div. of Streets, Roads and Forestry.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$165,000.00 Federal funds, are for the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of \$165,000.00, which will be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2006 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 190.

An Ordinance relating to right of way amending Section 17C-3 of the Code of Ordinances to redefine work which may be performed pursuant to an annual general

permit, redefine “emergency”, redefine “high density utility area”, redefine “surface cut permit”, and “tariff”, and to delete the definition of “street cut marker”; amending Section 17C-7 of the Code of Ordinances to require repair of disturbed or damaged right-of-way or public property within twenty-one (21) calendar days of the activities causing the disturbance or damage, unless extended for reasonable cause, and requiring that overhead and underground facilities will be consistent with the National Electrical Safety Code; amending Section 17C-9 of the Code of Ordinances to add annual general permit fees to those fees which must be paid prior to placement and use of facilities in the right-of-way and deleting the exception from registration of facilities installed for a property owner pursuant to a contractual agreement; amending Section 17C-14 of the Code of Ordinances to provide for payment of \$250 by registrants who do not have an annual general permit, payment of an amount related to the level of permitted activity by registrants who have an annual general permit, and allowing registrants with franchise agreements to pay as provided in their franchise; amending Section 17C-15 of the Code to require notice of emergencies by noon the next business day and to allow notice via website, facsimile or e-mail; amending Section 17C-21 of the Code, effective until December 31, 2005, to provide that routine work in the right-of-way will be done during normal working hours and notice of the work is required by noon the business day following the commencement of work and providing work without proper notice is subject to fines, redefining the scope of work covered by the annual general permit, and effective January 1, 2006, removing the requirement for notice by noon the next business day; amending Section 17C-22 of the Code to provide for annual payment of fees and allowing franchisees to pay as allowed by their franchise, to provide for an annual fee of \$3,000.00 for a Type I annual general permit for registrants with facilities equal to ten percent (10%) or less of the area of Fayette County, to provide for an annual payment of \$15,000.00 for a Type II annual general permit for registrants with facilities equal to more than ten percent (10%) of the area of Fayette County, and to provide that registrants with facilities equal to less than one tenth of one percent (0.10%) of the area of Fayette County shall only be required to pay an annual registration fee but shall be required to obtain permits for each occupation of the right-of-way, increasing the fee for an “installation permit” to \$100.00 and exempting immediately adjoining real property owners from payment, increasing the fee for a “surface cut permit” to \$250.00, and to provide that permit fees shall be paid at the time

of application unless otherwise paid; amending Section 17C-23 of the Code to provide that deposits shall be held for a period similar to bonds and that security requirements may be imposed as part of a surface cut permit; amending Section 17C-27 of the Code to correct editing; amending Section 17-7 of the Code to require that disturbances in the right-of-way are subject to all applicable portions of Chapter 17C; amending Section 17-8 of the Code to provide that application for permission to disturb the right-of-way may be done through the Urban County Government's website, add apron cuts for calculation of bonding requirements and provide bonding procedures; amending Section 17-9 of the Code to delete restrictions on acceptance of return slips; amending Section 17-10 related to standards for refill and restoration of surfaces and to provide for notice; amending Section 17-11 to provide for security of work sites; amending Section 17-13 to increase penalties for violations of Sections 17-8, 17C-21 and 17C-22 or failing to provide security under Section 17C-9 or violation of sections 17-7 through 17-12 to \$200.00 to \$500.00 for each offense and increasing the fine to \$100.00 for each night an excavation is unprotected, and to provide that fines for failure to obtain a permit as required shall be assessed at a rate twice the standard cost for the applicable permit; and amending Section 17-15 of the Code to increase the period for replacement of disturbed areas to twenty-one (21) days and increasing the fine to \$100.00.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Associate Traffic Engineer, Grade 115E and creating one (1) position of Traffic Engineer, Grade 117E, and reclassifying the incumbent in the Div. of Traffic Engineering, to be effective retroactive to April 18, 2005, and appropriating funds pursuant to Schedule No. 196.

An Ordinance authorizing the Mayor to execute the Certificate of Consideration and to accept a General Warranty Deed, from Brian and Sharon Mosher, for the property located at 2316 Shandon Drive, at a cost not to exceed \$105,000.00, and appropriating funds pursuant to Schedule No. 195.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Health and Family Services, which grant funds are in the amount of \$65,000.00 Federal funds, are for continuation of the Bioterrorism Preparedness Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 6, and authorizing the Mayor to

transfer unencumbered funds within the grant budget.

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The following resolutions were given second reading and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

A Resolution accepting the bid of Dixon Electric, Inc. establishing a price contract for emergency warning siren repairs.

A Resolution accepting the bid of CML Emergency Services, Inc. establishing a price contract for Enhanced 911 equipment, for Div. of Enhanced 911.

A Resolution accepting the bid of C & T Design & Equipment Co. establishing a price contract for food service equipment for the Day Treatment Facility, for the Office of the CAO.

A Resolution authorizing the Mayor to accept a donation of two (2) cases of gunlocks from Centerfire Systems, Inc., for the Div. of Police, at no cost to the Government.

A Resolution amending Section 2(d) of Resolution No. 91-2001 to change the reference for the new street address from 5665 Briar Hill Drive to 5665 Briar Hill Road.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Fuller, Mossbarger, Scott and May Engineers, Inc., for Skycrest Neighborhood Stormwater Project, decreasing the contract price by the sum of \$100,000.00 from \$420,000.00 to \$320,000.00.

A Resolution authorizing the Mayor to execute a Lease with Travis Fritz, for mowing, cropland and hay at Cardinal Run North, producing an annual rental fee to the Government of \$3,750.00.

A Resolution authorizing the Mayor to execute an Agreement with Edythe Jones Hayes Middle School PTSA, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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A Resolution accepting the bid of Hurst Office Suppliers establishing a price contract for metal shelving for the Furrows Building, for the Office of the Council Clerk

was given second reading and passed by the following vote:

Aye: Wigginton, Brown, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney,
Myers, Scanlon, Stevens, Stinnett ----- 13

Nay: ----- 0
(Mr. Cegelka abstained when the vote was taken.)

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A Resolution changing the street name and property address numbers of 3100 Harrodsburg Road to 3001 Arrowhead Drive, of 271 East Vine Street to 137 Rose Street, of 217 Virginia Avenue to 695 Winnie Street, and of 293 Winn Way to 2023 Libby Lane; changing the property address numbers of 4151 Bethel Road to 4161 Bethel Road, of 2450, 2551, 2575, 2721, 2730, 2782, 2792 and 3000 Bowman Mill Road to 2451, 2500, 2650, 2722, 2731, 2783, 2793 and 2999 Bowman Mill Road; of 1620 Harrodsburg Road to 1630 Harrodsburg Road, of 6895 Jacks Creek Pike to 6901 Jacks Creek Pike, of 3105 Rio Dosa Drive to 3051 Rio Dosa Drive, of 3445 Royster Road to 3333 Royster Road, and of 3785-3791 Lochdale Terrace to 3685-3691 Lochdale Terrace; all effective thirty days from passage was on the docket for second reading.

Upon motion of Mr. Moloney, seconded by Ms. Gorton and passed by unanimous vote, the resolution was amended to change 271 West Vine Street to 301 East Vine Street. Mr. Moloney stated that this was not a material change and the resolution could get second reading.

The resolution was given second reading as amended and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

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A Resolution authorizing the Mayor to execute an Agreement with the University of Ky., for the University of Ky. Hospital Project traffic and roadway reconfigurations was given second reading.

The following citizens spoke against the resolution: (1) Mr. Bernard McCarthy, 515 Harry Street; (2) Mr. Don Pratt, 210 Walton Avenue, who filed the following exhibit: (a) Handout; (3) Mr. Troy Lacefield, 935 Tearose Drive and (4) Mr. Robert Dalton, 520 Douglas Avenue.

Mr. Michael Karpf, 1616 Bates Creek Road, a University of Kentucky Representative, spoke in favor of the resolution.

The resolution passed by the following vote:

Aye: Wigginton, Cegelka, DeCamp, Ellinger, Farmer, Gorton,
Lane, McChord, Moloney, Myers, Scanlon, Stinnett ----- 12

Nay: ----- 0
(Mr. Brown and Dr. Stevens recused themselves when the vote was taken.)

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The following resolutions were given first reading. Upon motion of Mr. DeCamp and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

A Resolution accepting the bid of Advanced Retro Technology in the amount of \$25,751.00, for retroreflectometers for the Div. of Traffic Engineering.

A Resolution endorsing the Ky. Transportation Cabinet's Rural Secondary Program for Fayette County for Fiscal Year 2005-2006.

A Resolution authorizing the Mayor to execute a Sellers Agreement with GovDeals, Inc., for online auction services for disposal of surplus property.

A Resolution authorizing the Mayor to execute Agreements with The Friends of McConnell Springs, Inc. (\$1,000.00), Mary Carolyn Jewell Foundation for Obese Children, Inc. (\$350.00), Young Women's Christian Association of Lexington, Ky., (\$525.00), Bryan Station High School Alumni Association, Inc. (\$200.00), and Joyland Neighborhood Association, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Board of Regents of the University System of Georgia, by and on behalf of Georgia State University, for piloting the improving crime data initiative, at no cost to the Urban County Government.

A Resolution approving the probationary civil service appointments of: Andre German, Public Service Worker Sr., Grade 107N, \$14.641 hourly, in the Div. of Streets, Roads & Forestry, effective May 30, 2005, Sean McStay, Public Service Supervisor, Grade 111N, \$14.784 hourly, in the Div. of Parks, effective May 16, 2005, Johnny

Martinez, Recreation Manager, Grade 114E, \$1,267.44 bi-weekly, in the Div. of Parks, effective May 16, 2005, Margaret Ballard, Computer Analyst, Grade 115E, \$1,782.24 bi-weekly, in the Div. of Computer Services, effective May 16, 2005, Brenda Christian, Public Service Worker Sr., Grade 107N, \$14.641 hourly, in the Div. of Parks, effective May 16, 2005, Jon Taylor, Public Service Worker Sr., Grade 107N, \$14.641 hourly, in the Div. of Parks, effective May 16, 2005, Burnam Rankin III, Equipment Operator Sr., Grade 109N, \$15.904 hourly, in the Div. of Solid Waste, effective May 30, 2005, Clarence Rutherford, Public Service Worker Sr., Grade 107N, \$11.926 hourly, in the Div. of Parks, effective May 16, 2005, Ronnie Hayden, Public Service Worker Sr., Grade 107N, \$12.631 hourly, in the Div. of Streets, Roads & Forestry, effective May 30, 2005, Felicia Cowherd, Staff Assistant, Grade 107N, \$10.447 hourly, in the Div. of Code Enforcement, effective May 30, 2005, Russell Grimes Jr., Public Service Worker, Grade 106N, \$10.103 hourly, in the Div. of Parks, effective May 16, 2005, Urey Washington, Public Service Supervisor, Grade 111N, \$16.983 hourly, in the Div. of Parks, effective May 16, 2005, Candace Wafford, Buyer Senior, Grade 116E, \$1,724.72 bi-weekly, in the Div. of Central Purchasing, effective May 16, 2005, Louise Caldwell-Grant, Public Service Supervisor, Grade 111N, \$16.920 hourly, in the Div. of Solid Waste, effective May 16, 2005, Gregory Blair, Equipment Operator Sr., Grade 109N, \$14.829 hourly, in the Div. of Solid Waste, effective May 30, 2005, Jennifer Hollon, Administrative Specialist Sr., Grade 112N, \$15.800 hourly, in the Dept. of Law, effective June 6, 2005; Kristin L. Malone, Eric S. Willoughby, Adam M. Reynolds, Stephen A. Parker, Andrew J. Myatt, Sandy K. Henry, Katrina A. Dearing, Brian D. Voll, John F. McRannolds, Manuel L. Davis, Nathan P. Stewart, Jerry K. Baker, Jacob W. Pasley, Nicholas T. Elko, Jennifer G. Wilson, Hattie L. Wheeler, Leon Mack III, Latasha R. Franklin, Tyrone D. Henson, Adela G. Deleon, Tommy E. Godby, John E. Moncrief, Community Corrections Officer, Grade 110N, \$11.796 hourly, in the Div. of Community Corrections, effective May 30, 2005; ratifying the permanent civil service appointments of: Kelly Survant, Industrial Hygienist/Loss Control Specialist, Grade 115E, in the Div. of Risk Management, effective May 8, 2005, Wesley J. Allen, Ronald M. Ball, Nicole R. Cox, Larry T. Moses, Kenneth M. Ray, Alicia Stanley, Phillip O. Tillett Jr., Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 29, 2005; approving leave of absence for: Jo Kane, Safety Specialist, Grade 115E, in the Div. of Risk Management, request a leave of absence without pay from April 18,

2005 to April 22, 2005; ratifying the unclassified civil service appointment of: LaToya Vaughn, Program Administrator, Grade 117E, \$1,626.80 bi-weekly, in the Div. of Youth Services, effective May 30, 2005.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet Office of Drug Control Policy and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$18,370.00 Commonwealth of Ky. funds, and are for the Street Sales Drug Enforcement Project.

A Resolution authorizing a donation to the Nich Dieruf Memorial Fund (\$5,000.00) and USA Cares, Inc. (\$5,000.00), on behalf of the Urban County Government, to provide assistance and resources to military families in need, in honor of those who have made the ultimate sacrifice for their country and in celebration of Armed Forces Day.

A Resolution authorizing the Dept. of Law to accept a Deed of Temporary Construction Easement from Donald and Jean Sherrow, 831 East Loudon Avenue for the Loudon Avenue Improvement Project, at a cost not to exceed \$275.00 and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Mayor to execute Releases of Easement releasing a storm sewer easement and two (2) sanitary sewer easements at 110 Towne Center Drive, 1700-1736 Sharkey Way.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Commonwealth of Ky. State Board of Elections, to obtain federal funds for compliance with the Help America Vote Act of 2002, at no cost to the Government.

A Resolution authorizing the Mayor to execute an Encroachment Agreement with 222 W. Vine, LLC, to allow encroachment into the right-of-way at 222 W. Vine Street, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Renewal of Engineering Services Agreement with Tetra Tech, Inc., for groundwater and leachate monitoring and testing at Haley Pike Landfill, at a cost not to exceed \$66,000.00.

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A Resolution authorizing the Mayor to execute a Lease Agreement with Fred Collinsworth, for the rental house at 2075 Parkers Mil Road, generating annual revenue to the Government in the amount of \$2,442.72 was given first reading.

Mr. Wigginton asked a question of Ms. Kathy DeBoer, Commissioner of the Dept. of General Services.

Upon motion of Mr. DeCamp and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers,
Scanlon, Stevens, Stinnett ----- 14

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file until June 9, 2005 for public inspection.

A Resolution accepting the bid of Tom Chesnut Excavation & Construction, LLC establishing a price contract for fencing for Man O' War Blvd., for the Div. of Streets, Roads and Forestry.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent drainage and temporary construction easements from L. M. Barnhill, Mary Jackson Barnhill and Lindsey Michelle Barnhill, located at 2311 Evans Mill Road, for the Evans Mill Cross Drain Project, and authorizing payment in the amount of \$2,125.00, plus usual and appropriate closing costs.

A Resolution adopting an Amendment to the 457 Deferred Compensation Plan administered by the ICMA Retirement Corporation, allowing plan participants to calculate and apply for loans online from their ICMA accounts and permitting bi-weekly payroll deductions for repayment and authorizing the Mayor to execute an Amended Trust Agreement with the ICMA Retirement Corporation.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Cabinet for Health and Family Services and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$54,940.00 Federal funds, and are for employment of a full time Child Access Coordinator in the Office of the Friend of the Court.

A Resolution changing the property address numbers of 3800, 3801, 3808, 3812, 3813, 3816, 3820, 3821, 3824, 3825, 3828, 3829, 3832, 3836, 3837, 3840, 3844, 3849, 3852 and 3857 Lochdale Terrace to 3803, 3802, 3807, 3811, 3810, 3815, 3819, 3822,

3823, 3826, 3827, 3830, 3831, 3835, 3838, 3839, 3843, 3850, 3855 and 3860 Lochdale Terrace; all effective thirty days from passage.

A Resolution changing the street name and property address numbers of 2020 Leestown Road to 185 Opportunity Way, of 311, 359, 308, 324, 304 and 316 Vo Tech Drive to 165, 195, 164, 172, 160, 168 and 171, Units 1 and 2, Opportunity Way; and changing the street name of 151 Vo Tech Drive to 151 Opportunity Way; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute an Agreement with Dogwood Trace Neighborhood Association (\$1,350.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute a Professional Services Agreement with Rosemary Burke Minnick, as a Certified Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed \$20.00 for each scheduled on-call period, \$220.00 for each completed forensic examination and the reasonable cost of medical liability insurance.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Aramark Uniforms and Career Apparel, d/b/a Galls, Inc., for computer upgrade training, at a cost not to exceed \$4,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Jarboe Construction, for office construction for the Ky. Dept. for Employment Services, decreasing the contract price by the sum of \$2,700.00 from \$367,700.00 to \$365,000.00.

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Upon motion of Mr. Brown, seconded by Ms. Gorton and passed by majority vote (Mr. Farmer voted no), the communications from the Mayor were approved and are as follows: (1) recommending the reappointments of Gerald Ferretti, DMD, Dental Society Representative; Marge Keller, PhD, At-Large Representative; Robert Lynch, DVM, At-Large Representative; John P. Riley, MD, Physician Representative and Marcia Stanhope, MSN, DSN, Central Ky. Nurses Association Representative to the Board of Health with terms to expire 6-30-2007; (2) recommending the appointment of Joy Fugazzi to the Civil Service Commission with a term to expire 4-1-2008. Ms. Fugazzi will fill the unexpired term of Thomas Smith; (3) recommending the reappointments of Steve Kelly and Michael Meuser to the Courthouse Area Design Review Board with

terms to expire 6-30-2009 and (4) recommending the reappointment of Ted Renaker to the Housing Authority Board with a term to expire 6-22-2009.

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The following communications were received from the Mayor for information only: (1) Resignation of Larry T. Moses, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 9, 2005; (2) Reinstatement of Jeffrey Carter, Community Corrections Sergeant, Grade 112N, \$1,389.44 bi-weekly in the Div. of Community Corrections, effective May 16, 2005 and (3) Lateral Transfer Correction from May 5, 2005: Lateral Transfer of Christina Hill, Staff Assistant Sr., Grade 108N, \$11.464 hourly from the Div. of Risk Management to the Div. of Building Maintenance and Construction instead of the Dept. of General Services, effective May 16, 2005.

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The Mayor opened the Municipal Aid Public Hearing.

Mr. Bernard McCarthy, 515 Harry Street, asked which major improvements the program was funding.

The Mayor said there was a list that was included in the handout and that Mr. Jay Whitehead, Commissioner of the Dept. of Public Works, could give him more specific information on the improvements.

Mr. Farmer asked the Mayor which streets were included in the street resurfacing project.

The Mayor asked Mr. Farmer to check with Mr. Whitehead about the specific streets.

There being no further citizens to appear before the Council, the Mayor declared the public hearing closed.

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The Mayor opened the Budget Content Public Hearing.

The following employees spoke asking for a 5% raise for Urban County Government employees: (1) Mr. Rick Bowman, President, Civil Service Employees Association, and (2) Mr. Rob Allen, Vice President, Civil Service Employees Association, who read a letter written by Ms. Richelle Clay, Secretary, Civil Service Employees Association.

Mr. Moloney stated that all employees should be treated equal.

Mr. Brown stated that he was glad to see the employees standing up for what they deserved and that the employees should continue attending the Council Meetings to ask for more money.

There being no further citizens to appear before the Council, the Mayor declared the public hearing closed.

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Ms. Adosha Reed, a previous resident of North Ridge Apartments, spoke about a mold problem in her apartment that had created a health problem and asked that the apartment be inspected.

The Mayor asked her to speak with Ms. Rebecca Langston, Commissioner of the Dept. of Public Safety, concerning the problem.

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Mr. Robert Dalton, 520 Douglas Avenue, spoke in support of the Neighborhood Development Projects and requested funding for Douglas Park, sidewalks on Georgetown Street and the African American Cemetery #2.

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Ms. Elizabeth Madison, 635 Breckinridge Street, stated her concerns with trees hanging over in her yard and the need for speed bumps and more police protection in the area.

Mr. Brown clarified that Ms. Madison was talking about the Breckinridge and Jackson Street area as it goes in to the Aspendale property and asked her to speak with Police Chief Anthany Beatty about her concerns.

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The Council adjourned at 8:27 p.m.

Deputy Clerk of the Urban County Council